

United States District Court

for

WESTERN DISTRICT OF TEXAS

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Sean Andrew McQuigg

Case Number: A-09-CR-00261(1)-JRN

Name of Sentencing Judicial Officer: Honorable James R. Nowlin, United States District Judge

Date of Original Sentence: December 3, 2009

Original Offense: Possession of Child Pornography, in violation of 18 U.S.C. § 2252A

Original Sentence: 120 months imprisonment followed by fifteen (15) years of supervised release, Special Conditions: sex offender registration, sex offender or mental health treatment, lifestyle restrictions by therapist, shall not associate with children except in the presence of and adult designated in writing by the probation officer, shall reside in a residence approved in advance, no residence within 1,000 feet of a school or youth center, no sexually oriented materials, no photographic or video equipment, computer monitoring, search, alcohol treatment to include drug and alcohol testing, and \$100 special assessment (satisfied).

Type of Supervision: Supervised Release

Date Supervision Commenced: August 17, 2018

Assistant U. S. Attorney: Matthew B. Devlin

Defense Attorney: Anthony B. Cantrell (retained)

PREVIOUS COURT ACTION

On August 14, 2018, a Request for Modifying the Conditions or Term of Supervision with Consent of the Offender was filed ordering McQuigg to reside in a residential reentry center for a term of 180 days. The Court approved the modification as submitted.

On October 15, 2019, a Report on Offender Under Supervision was filed as the Court was advised of McQuigg's failure to participate in the sex offender treatment program as directed by the probation officer. No action was recommended, and the Court concurred.

On April 6, 2020, a Request for Modifying the Conditions or Term of Supervision with Consent of the Offender was filed ordering McQuigg to abide by the following additional special conditions, search and seizure, computer monitoring program including software, and physical computer searches. The Court approved the modification as submitted.

On February 22, 2022, a Request for Modifying the Conditions or Term of Supervision with Consent of the Offender was filed ordering McQuigg to participate in substance abuse treatment due to a positive urine specimen for methamphetamine on January 21, 2022.

On April 14, 2022, a Report on Offender Under Supervision was filed with the Court to advise of a second positive urine specimen for methamphetamine submitted on March 10, 2022. No

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further action was recommended as McQuigg was actively participating in substance abuse treatment, and the Court concurred.

On July 19, 2022, a Report on Offender Under Supervision was filed with the Court to report a third positive urine specimen for methamphetamine submitted on June 29, 2022. No further action was recommended as McQuigg was actively participating in substance abuse treatment, and treatment was being increased to address the relapse. The Court concurred with the recommendation.

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation of Special Condition No. 1: “The defendant shall attend and participate in a mental health treatment program and/or sex offender treatment program as approved and directed by the probation officer. The defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to polygraph and all other testing. The defendant will be required to make co-payment based on the defendant’s ability to pay as determined by the probation officer.”

Nature of Noncompliance: On March 22, 2022, McQuigg arrived thirty minutes late to sex offender treatment. On July 25 and 26, 2022, he failed to report to sex offender treatment and failed to contact the treatment provider to report his absence or to reschedule his session. On July 28, 2022, due to attendance issues and ongoing substance abuse, McQuigg was unsuccessfully discharged from the sex offender treatment program.

Violation of Special Condition No. 2: “The defendant shall follow all other lifestyle restrictions or treatment requirements imposed by the therapist, and continue those restrictions as they pertain to avoiding risk situations throughout the course of supervision. This includes not residing or going to places where a minor or minors are known to frequent without prior approval of the probation officer.

Violation of Special Condition No. 3: “The defendant shall participate in a program approved by the United States Probation Office for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant’s ability to pay.”

Nature of Noncompliance: On January 31, 2022, McQuigg tested positive for methamphetamine. The offender reported using methamphetamine frequently from March 2021 until January 27, 2022.

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On March 10, 2022, McQuigg tested positive for methamphetamine. The specimen was confirmed by lab analysis and McQuigg signed an admission form admitting to the use of this substance.

On March 17, 23 & 28; April 6; June 9 & 28, 2022, McQuigg failed to report for scheduled drug testing as instructed.

On June 29, 2022, McQuigg tested positive for methamphetamine and cocaine. The specimen was confirmed by lab analysis. McQuigg signed an admission form admitting to the use of these substances.

On July 28, 2022, McQuigg tested positive for methamphetamine. When confronted with the positive test results, McQuigg verbally admitted to the use of this substance. Confirmation of the specimen is pending.

Violation of Mandatory Condition #2: “The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Violation of Standard Condition #7: “The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.”

Nature of Noncompliance: On July 27, 2022, this officer conducted an unannounced home visit and found McQuigg unconscious in his residence. USPO conducted a plain view scan of the room and discovered a glass smoking pipe commonly used for methamphetamine, with scorched white residue inside, and two empty beer cans. McQuigg appeared incoherent and struggled to respond to this officers’ questions. Based on this officers’ observations and out of concern for the offender’s well-being, emergency medical services (EMS) were called to the scene. McQuigg was assessed and subsequently released by EMS after refusing further medical services.

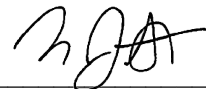
U. S. Probation Officer Recommendation: The term of supervision should be revoked.

Approved by,



Patricia A. Whitson
Supervising U.S. Probation Officer

Respectfully submitted,



Brian Smith
U.S. Probation Officer
Date: 8/4/2022

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Received by,

/s/ Matthew Devlin
Matthew B. Devlin
Assistant U.S. Attorney

☒ recommend

☐ does not recommend

Justification: _____

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THE COURT ORDERS:

☐ No Action

☒ The Issuance of a Warrant

☐ The Issuance of a Summons

☐ Other


Honorable Susan Hightower
U.S. Magistrate Judge

August 5, 2022
Date